



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,042	12/21/1999	REINER LUDWIG	34645-00489U	3150

7590 10/23/2002

Richard J Moura  
Jenkins & Gilchrist P C  
1445 ROSS AVE  
SUITE 3200  
DALLAS, TX 75202-2799

EXAMINER

BAKER, STEPHEN M

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/468,042

Applicant(s)

LUDWIG ET AL.

Examiner

Stephen M. Baker

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on pages 7-9, 15 and 17, reference to claim numbers should be deleted; on page 1, line 20, "an own" apparently should be "its own"; on page 2, line 14, "packets" apparently should be "packet", to agree with "packet" in line 15; on page 2, line 25, "TCP being" apparently should read as "TCP for being"; on page 2 line 31, "errors occurred" apparently should be "errors that have occurred"; on page 3, lines 3-4, "method being known under the name of framing" apparently should be "method referred to as framing"; on page 3, line 26, ",", apparently should be a quotation mark; on page 12, line 2, "comprises" apparently should be deleted; on page 15, line 29, "admitted" apparently should be "permitted".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 3-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1: in lines 3-4, "each transmission comprising a first and second protocol layer via a communication network" is apparently not idiomatic English in context and apparently should be "each transmission involving a first and second protocol layer and being carried via a communication network", or the like; in lines 10-11, "packets with a sequence number" is apparently not idiomatic English in context and apparently should be "packets with sequence numbers"; in lines 17-18, "allocating ... packets of the first protocol layer on the second protocol layer" is apparently not idiomatic English in context and apparently should be "allocating ... packets of the first protocol layer, in the second protocol layer".

In claim 3: "a corresponding sequence number" is apparently not idiomatic English in context and apparently should be "corresponding sequence numbers".

In claim 5: "data of the first protocol layer" is apparently not idiomatic English in context and apparently should be "data packets of the first protocol layer".

In claim 8: "the sequence number" is apparently not idiomatic English in context and apparently should be "each sequence number".

In claim 10: "is brought into" is apparently not idiomatic English in context and apparently should be "is given"; "the initial and the end mark" is apparently not idiomatic English in context and apparently should be "an initial mark and an end mark"; "according to their correct sequence" is apparently unnecessary.

In claim 12: "the information in view of" is apparently not idiomatic English in context and apparently should be "information of".

In claim 16: in line 3: "on the" is apparently not idiomatic English in context and apparently should be "by";

In claim 24: in lines 3-4, "each transmission comprising a first and second protocol layer via a communication network" is apparently not idiomatic English and apparently should be "each transmission involving a first and second protocol layer and being carried via a communication network", or the like; in lines 7-8, "packets with a sequence number" is apparently not idiomatic English in context and apparently should be "packets with sequence numbers"; in lines 14-15, "allocating ... packets of the first protocol layer on the second protocol layer" is apparently not idiomatic English in context and apparently should be "allocating ... packets of the first protocol layer, in the second protocol layer".

### ***Conclusion***

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (703) 305-9681. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



Stephen M. Baker  
Primary Examiner  
Art Unit 2133

smb  
October 21, 2002